

MINUTES

RANDOLPH COUNTY PLANNING BOARD

April 4, 2006

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, April 4, 2006, in the Commissioners' Meeting Room, Randolph County Office Building, 725 McDowell Road, Asheboro, North Carolina.

1. **Chairman Lynden Craven** called to order the Randolph County Planning Board meeting at 6:30 p.m.
2. **Hal Johnson**, Planning Director, called roll of the members: Lynden Craven, Chairman, present; Jim Rains, Vice Chairman, present; Maxton McDowell, absent; Larry Brown, present; Phil Ridge, present; Chris McLeod, absent; Reid Pell, present; Wayne Joyce, Alternate, present (substituting for regular member McDowell); and Danny Shaw, Alternate, present (substituting for regular member McLeod). **County Attorney Alan Pugh** was present for this meeting.
3. **Brown** made the motion, seconded by **Rains**, to approve the minutes of the March 14, 2006 Randolph County Planning Board meeting and the minutes of the March 14, 2006 Randolph County Zoning Board of Adjustment meeting. The motion passed unanimously.
4. **REQUESTS FOR A SPECIAL USE PERMIT:**

***Swearing in of the Witnesses** - "Do you swear or affirm that the information you are about to give is the truth, the whole truth, and nothing but the truth, so help you God."*

Ten (10) people took this oath.

- A. **MICHAEL PEELER**, Randleman, North Carolina is requesting a Special Use Permit for a Planned Rural Development to allow a second residence on his property located at 5927 Fred Lineberry Road, 9.84 acres, Secondary Growth Area, Polecat Creek Watershed, Tax ID# 7777225757, Zoning District RA.

Peeler was present and stated that he has owned the property for 1 year. Peeler said the second residence would be a 1,200-sq.-ft. site-built home. Peeler said he plans to rent the property to a neighbor who currently lives on Barker Drive. Peeler said he has not had the property perked for the residence, but feels he won't have any problems doing so.

There were 2 people present in favor of this request.

Antonio Perez, 1511 Barker Drive, said that he felt this would be good for the area and would be good for the County tax base. Perez said he is an adjoining property owner and a site built home. Perez said he felt the site built home would be compatible to the area.

There was no one present in opposition to this request.

Board member **Danny Shaw** asked if the residence would be a mobile home, and **Johnson** answered that it would be a site-built home.

Brown made the motion, seconded by **Rains**, to approve this request for a Special Use Permit. The motion passed unanimously.

- B. SCHWARZ PROPERTIES, LLC**, Asheboro, North Carolina, is requesting a Special Use Permit to allow 6 two-week carnival events to be held at 7190 US Hwy 311, 47.41 acres, Primary Growth Area, Randleman Lake Watershed, Tax ID# 7736849969, Zoning District HC.

Johnson explained that the request was for a Planned Business Development that would allow two different businesses - flea market and a carnival - on a tract of land under unified control.

Frank Edmondson, Schwarz Properties, LLC, P.O. Box 1104, Asheboro, said he has submitted plans to the Planning Office about the carnival. Edmondson said that the outside flea market would not operate during the carnival operating hours. Edmondson said the carnival rides would be in the front graveled section of the property, and the existing parking area would be used for carnival patrons. Edmondson said the indoor bathroom facilities and portable units will also be used by the carnival patrons. Edmondson said the indoor flea market will continue to operate during the carnival operations. Edmondson said they will operate 6 two-week carnivals per calendar year. Edmondson said there would be no set operating hours for the carnival. **Brown** asked if there was a turning lane from Hwy 311 into the property, and **Edmondson** answered no. **Rains** asked where the carnival operators' camping motor homes would dump their waste, and **Edmondson** said he would work with the Health Department concerning this issue. **Craven** said that all the motor homes should be in a designated area with approved sewer disposal. **Brown** asked Edmondson where they have operated carnivals in the past, and **Edmondson** answered at Northgate Shopping Center in Asheboro and other locations outside of Randolph County. **Brown** asked if they had operated in rural areas before, and **Edmondson** answered he didn't know. **Byron Farlow**, 7207 US Hwy 311, said he owns the property just across the road from this facility. Farlow said the watershed should be taken into careful

consideration. Farlow said the sewer facilities for this building were designed for 10 people and now they have 300+ people here each weekend. Farlow said when he was asked to sign a permit for this to be zoned he was told it would be for selling used car parts and nothing outside. Farlow said this has been a well respected area for a number of years. Farlow said that all the monies collected in this business leave the area and this is no benefit to the community. Farlow said that this proposed carnival would only degrade the area. Farlow questioned the kind of people this type of activity would bring to the community. Farlow said he felt the jobs of County employees were to see if this would benefit the community. Farlow expressed concern that the traffic in this area is already terrible. Farlow described an incident that occurred one Sunday when they were coming home from church and their car was rear-ended by another vehicle. Farlow said that his granddaughter's car was also rear-ended here. Farlow said this operation would draw attention away from the road and possibly cause more traffic dangers. Farlow said the flea market already causes traffic problems. Farlow questioned how much it would cost for law and order to be maintained for this type of operation. Farlow said this will place another burden on the Sheriff's Department. Farlow said that this could jeopardize the safety of the community.

Reggie Beeson, 7119 US Hwy 311, said when the prior owner asked for the property to be used for a campground, water and sewer was an issue to the County. Beeson said the caliber of people this will bring in will also be an issue. Beeson said the flea market is already a traffic hazard to the area and this will only add to the burden. Beeson said he is concerned that there will be no set hours of operation. Beeson said they purchased out in the county for the rural lifestyle. Beeson said this would definitely impact the value of their property. Beeson said this would not be compatible to the area. **Shaw** asked if there was only one entrance to the facility, and **Beeson** answered yes. Beeson added that there is a mob of people that go to the flea market each weekend.

Crystal Brown, 7090 US Hwy 311, told the Board that she has lived here for 11 years. Brown said that her backyard used to be a quiet place for her family to enjoy. Brown said that now there are 200 to 300 people next door to her each weekend. Brown said there is a lot of trash generated here from that business. Brown said they are concerned about the quality of people the carnival will bring to their neighborhood. Brown said some carnivals last until 11pm at night and this would be a burden on the community. Brown said the flea market has been open for 1 ½ months and it has generated a lot of traffic. Brown said she felt this activity would devalue her property. Brown said if she was purchasing property now she would not purchase next to a flea market and certainly not a carnival. Brown said the flea market normally ends in the afternoon and the carnival would operate until late. Brown said they have some small rides and a fun house already operating on the property.

Christine Beeson, 7119 US Hwy 311, said there is a passing zone on this stretch of the highway and it is dangerous. Beeson said she has been run off the road and hit several times. Beeson said they listen to ice cream music now, but when the rides and people increase they will be burdened with louder music and more people. Beeson said they have been blocked in their driveway because of the horrendous traffic. Beeson said they have problems entering onto the highway because of the traffic. Beeson said they would advise the NCDOT to make this stretch of highway a no-passing zone and a turn lane should be added. Beeson said they haven't heard any specifics from the applicant concerning the activity they plan. Beeson said the summer is approximately 12 weeks and the carnivals could operate all summer. Beeson said there is a carnival that operates approximately 2 weeks in the fall closer into Archdale. Beeson said that area is not a residential area and is a more appropriate area to operate a carnival. Beeson said they feel their property values will decrease greatly if this activity is approved. Beeson said the traffic is bad from 7 am to 2 pm every weekend due to the flea market. Beeson said she is worried about their children playing in their yard. Beeson said the speed limit on this stretch of road is 55. Beeson said there is no other operation in the area comparable to the type of traffic this generates.

There were 10 people present in opposition to this request.

Wayne Loflin, 2409 Loflin Dairy Road, said that the traffic on Hwy 311 is terrible. Loflin said he agrees with everything that has been said by his neighbors. Loflin discussed several traffic problems they currently experience. Loflin said that his farm adjoins this property. Loflin said that there is trash and tires that come down the creek onto his farm. Loflin said they can't use the creek to water their cattle; they have to use wells. Loflin said that his son runs his dairy business now and their main concern is how this will impact his dairy farm. Loflin said he is concerned about people coming over onto this farm. Loflin said the carnival is not in harmony with this farming area.

Harris Brown, 7064 US Hwy 311, said that he is concerned for public safety. Brown said that he is the fire chief of Sophia. Brown said that he didn't feel like this fits the community. Brown said he owns a Southern Classic which is a manufacturing business in the community that employs 15 people. Brown said he can hear the music from his business. Brown questioned how the flea market was permitted. **Pugh** said the property was zoned Highway Commercial (HC) in 1991. Pugh said HC permits several things by right. Pugh said this request is a special use permit because there are certain things that require a special use permit due to their unique nature. **Brown** said he moved here in 1970, and he didn't anticipate carnivals at that time. Brown said he didn't feel this would bring money to the community. Brown said the public safety will be compromised by

the increased traffic.

Edmondson said he felt it would benefit the community if DOT would install a turn lane and create a no-passing zone here. Edmondson said that he didn't feel the flea market was creating added wrecks along Hwy 311. Edmondson said they have done everything the County has asked them to do. Edmondson said they will work with the County Health Department concerning the bathroom facility requirements. Edmondson said he felt there was perkable soil on the property. Edmondson said he didn't know how many people would be generated by the carnival. Edmondson said he felt it would be 1 to 50 people each day. Edmondson said they have purchased an adjoining parcel to bring in another access to the property. Edmondson said that many roads are crowded during the day. Edmondson said that the flea market allows people to make their living. Edmondson said that the carnival would also be people making a living. **Brown** asked where the carnival people would be coming from, and **Edmondson** said different places but one is Virginia. **Shaw** asked if the traffic would be comparable to the traffic when the carnival operated at the Northgate Shopping Center on Fayetteville Street in Asheboro. **Edmondson** said it would be the same carnival, but the same number of people will not visit the carnival this far from the city.

Pugh told Edmondson that the questioning is not personal and explained the evidence that the Board must consider:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
2. That the use meets all required conditions and specifications;
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
4. That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to locate and in general conformity with the Land Development Plan for Randolph County.

Edmondson said they have improved the property, and he felt the property value has been increased not decreased. Edmondson said that commercial activities increases property values. Edmondson said he would be thrilled if any type of commercial activities was created across the street from his residence.

Craven said he would be concerned about the hours of operation. **Pell** asked Edmondson if they plan to have law enforcement on duty, and **Edmondson** said that they don't plan for enforcement. Edmondson said they would provide security if it was necessary.

Pugh advised the Board that the evidence of property values decreased in addition to safety factors should be considered.

Brown made the motion to deny this request because the request failed to meet the following required Findings of Fact:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
2. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
3. That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to locate and in general conformity with the Land Development Plan for Randolph County.

Rains seconded the request and the request was unanimously **denied**.

Johnson explained to the applicant that the order to deny this request will be officially approved at the next meeting.

5. The meeting adjourned at 7:39 p.m. There were 15 people present for this meeting.

**NORTH CAROLINA
RANDOLPH COUNTY**

HAL JOHNSON

Planning Director

JILL WOOD

Date

Clerk/Secretary